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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/762,995      | 01/22/2004  | Frank Liebenow       | P1962US01           | 6000             |

24333 7590 09/19/2006

GATEWAY, INC.

ATTN: Patent Attorney

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EXAMINER

SUN, SCOTT C

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/762,995 | <b>Applicant(s)</b><br>LIEBENOW, FRANK |  |
|                              | <b>Examiner</b><br>Scott Sun         | <b>Art Unit</b><br>2182                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/22/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 8, 15, 18, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 3, 8, 15, 18, and 21 recites various trademarks including USB, Firewire, Compact Flash and Memory Stick to describe an industry standard interface connector. However, where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

4. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejections above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dayan (US Patent #6,913,477) in view of Omid (PG Pub 2003/0156012).

7. Regarding claim 1, Dayan discloses a charging mat (desk mat, figure 8) wherein said charging mat is configured with a plurality of conductive contacts (conductive contacts described in figure 7) disposed on a top planar surface (conductive area 12; column 7, lines 42-67);

A charging circuit (sensing unit 66) configured to selectively provide power to said plurality of conductive contacts, said charging circuit being connected to said plurality of conductive contacts (column 7, lines 3-6);

A modulator/demodulator for converting between demodulated data and modulated data, wherein said modulator/demodulator is configured to be connected with said charging mat for sending and receiving data via said plurality of conductive contacts (column 8, line 54 – column 9, line 1). Examiner notes that Dayan's teachings are substantially similar to that described in applicant's admitted prior art (described in figures 3 and 5). Furthermore, Dayan also discloses modulating data over power through the conductive contacts as a variation of the invention.

Dayan does not disclose explicitly a data conversion circuit. However, Omidi discloses a data conversion circuit (adaptor) connected to said modulator/demodulator and to at least one industry standard interface (RJ-11, USB, Bluetooth, etc), said data conversion circuit converting between said demodulated data and said at least one industry standard interface (paragraph 20); at least one industry standard interface connector (RJ-11 connector, USB connector, Bluetooth connector, etc...) connected to said data conversion circuit (paragraph 20). Teachings of Dayan and Omidi are from the same field of data transferring, and specific of transferring data over power.

Therefore, it would have been obvious at the time of invention for a person of ordinary skill in the art to combine teachings of Dayan and Omidi by adding data conversion circuitry into Dayan's system for the benefit of compatibility with various industry standard devices.

Examiner further notes that Dayan teaches using Ethernet port with the charging mat system to provide network capabilities (column 8, lines 59-65). Even without teachings of Omidi, it would also have been obvious for a person of ordinary skill in the art to implement conversion circuitry to convert between demodulated data over power and Ethernet format for the benefit of compatibility with Ethernet standard.

8. Regarding claim 2, Dayan and Omidi combined disclose claim 1, and Omidi further discloses wherein modulator/demodulator uses frequency modulation (HomePlug standard) to send data over said power and receive data from said power (HomePlug standard uses OFDM, a type of frequency modulation, paragraph 19).

9. Regarding claim 3, Dayan and Omid combined disclose claim 1, and Omid further discloses wherein said at least one industry standard interface connector is one of: USB, Serial Port, Parallel port... (USB, serial port, parallel port, etc... paragraph 20).

10. Regarding claims 4 and 5, Dayan and Omid combined disclose claim 1, and Examiner notes that using a cable or mounting the connector on the charging mat would have been a matter of obvious design choice for a person of ordinary skill in the art at the time of invention.

11. Regarding claim 6, Dayan and Omid combined disclose claim 1, and Dayan further discloses wherein said charging circuit (sensing circuit) is housed within said mat (column 8, lines 54-57).

12. Regarding claim 7, Dayan and Omid combined disclose claim 1, and Dayan further discloses a portable device (mobile device, notebook computer used as example), said portable device further comprising a bottom planar surface (adaptor unit), said bottom planar surface being substantially parallel with said top planar surface of said charging mat (column 8, lines 1-17);

a plurality of bottom surface contacts (contacts 120, 124) located on said bottom planar surface, at least two of said plurality of bottom surface contacts coming into contact with at least two of said plurality of conductive contacts providing a closed circuit (column 2, lines 36-42);

a power control circuit for extracting power from said closed circuit (electrical load 26) for extracting power from said closed circuit (column 3, lines 15-19);

a portable device modulator/demodulator for modulating and demodulating data over said closed circuit (column 8, lines 60-64). Examiner notes that Dayan teaching modulating data over power between the conductive contacts. Because data is exchanged between the mat and the portable device through these contacts, this would require both the portable device and charging mat to have modulation and demodulation circuitry.

13. Regarding claims 8-22, examiner notes that these claims contain limitations substantially similar to claims 1-7 above. The same grounds of rejection are applied.

14. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dayan (US Patent #6,913,477) in view of Omid (PG Pub 2003/0156012) and further in view of Moroz et al (PG Pub #2001/0042150).

15. Regarding claim 23, Dayan and Omid combined disclose claim 19 but does not disclose explicitly IDE interface and an internal drive. However, Moroz discloses a docking station containing a peripheral interface (internal peripheral interface 129, 131) wherein said peripheral interface is IDE and said peripheral interface is connected to a drive (hard drive, floppy drive, etc...) that is mounted within said charging mat means (expansion port within docking station, paragraph 22). Teachings of Dayan, Omid and Moroz are from the same field of data transferring, and specifically of docking stations.

Therefore, it would have been obvious at the time of invention to combine teachings of Dayan, Omid, and further with teachings of Moroz by using IDE peripheral

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interfaces connected to a drive for the benefit of backing up data on a non-volatile storage.

16. Regarding claim 24, Moroz further teaches external IDE drives can be attached through peripheral connector 227 (paragraphs 31, 34). An external drive has the benefit of easy connection and replacement.

17. Regarding claims 25-28, examiner notes that the claims disclose various means for connecting a drive to the charging mat using various industry standard drive connectors (IDE, SCSI, SATA) similar to that of claim 23. In absence of persuasive evidence that a particular type of such means is significant, it would have been an obvious matter of choice to one of ordinary skill in the art to utilize any of the means as long as each performs the intended function of backing up data on a non-volatile storage. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

### ***Conclusion***

18. Other publications are cited to further show the state of the art with respect to docking stations and data transfer over power. Refer to form 892, "Notice of References Cited", for a complete list of relevant prior arts cited by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS



KIM HUYNH  
SUPERVISORY PATENT EXAMINER

9/13/06